

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH CENTRAL BELL TELEPHONE COMPANY'S)
PROPOSED AREA CALLING SERVICE TARIFF)

CASE NO. 91-250

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell"), filed December 1, 1993, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the priceout information and bill rendering costs in Attachments A, B, and C in South Central Bell's evaluated report on Area Calling Service ("ACS") on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury and it appearing to this Commission as follows:

In an earlier Order dated April 9, 1993, approving South Central Bell's proposed area calling service, South Central Bell was directed to collect and evaluate 12 months of data pertaining to the service. The evaluation was filed in compliance with the Order on December 1, 1993, and is contained in five separate attachments designated A through E. By this petition, South Central Bell seeks to protect as confidential the priceout information contained in Attachments A, B, and C to the report. The information sought to be protected is not known outside South Central Bell and is not disseminated within South Central Bell

except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for Area Calling Service include interexchange carriers and resellers. Using the information sought to be protected, other carriers could easily identify lucrative markets within the LATA and could better focus their marketing efforts to the disadvantage of South Central Bell. Specifically, competitors could design rates which would appeal to specific classes of customers with certain calling patterns and volumes and to minimize transport costs by constructing facilities in the most advantageous locations.

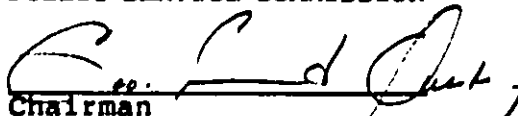
Additionally, disclosure of the cost information provided in the priceouts would allow competitors to determine South Central Bell's bill rendering costs. Competing bill rendering services are offered by interexchange companies, other Regional Bell Operating Companies, and credit card companies. Knowledge of the cost information would enable such competitors to better develop competing marketing strategies. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the priceout and cost information contained in Attachments A, B, and C to South Central Bell's report, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 6th day of January, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director